

REMARKS

Claims 1, 5, 7, and 9-12 are currently pending in the present application, with all of the independent claims being amended. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner objected to Claim 11 as containing informalities. This informality has been corrected.

The Examiner rejected Claims 1, 5, 7, and 9-12 under 35 U.S.C. § 103(a) as being unpatentable over Ogino (U.S. patent no. 6,433,946) in view of Kato (U.S. patent no. 5,953,529) and further in view of Sugiyama et al. (U.S. patent no. 6,744,588) and Kori et al. (U.S. Patent No. 6,687,802). This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, the present invention is directed to managing digital data wherein the digital data is protected by copyright protection. As recited in the claims, a user seeking to perform a specific process on a digital data (such as execution or duplication of the data for private use) is first restricted from performing the specific process and notified of a message calling his or her attention to the presence of a copyright protection associated with the digital data. The notification contains messages to which the user may respond to by accepting the content of the message.

Upon detecting that the user agreed to the content of the message, the restriction on the specific process is removed and the notification of the message is stopped. Thereafter, the user is permitted to access the digital data via the specific process without being annoyed by future message notifications. As previously communicated, in accordance with the claimed invention, the lifting of the restriction is specific to the recording medium on which the digital data is stored.

Accordingly, if the user should remove the storage medium and insert another one, the restriction will be reapplied (unless the user had previously accepted the copyright message of the replacement medium).

Applicants have further amended the claims to further recite a step of, upon executing the lifting of the copyright protection, issuing a warning message to the user that the copying permission is granted for personal use only.

Applicant respectfully submit that none of the cited prior art reference contain any disclosure or suggestion of all of the features of the amended claims, including presenting to the user, upon the lifting of the copy restriction, a warning message that the copying permission granted is for personal copying use only. Applicants therefore submit that the pending claims are patentable over Ogino, Kato, Sugiyama, and Kori.

Applicants again traverse the Examiner's combination of no less than four prior art references from different fields of art to reject the pending claims. Again, despite what appear to be a bona fide attempt to justify the combination of the references, Applicants respectfully submit that the Examiner has not satisfied his burden of explaining a reason why all four of the references can be combined in the manner suggested by the Examiner. Rather, the Examiner appears to have simply summarized the teachings of the references and concluded that it would have been obvious for one skilled in the art to combine the invention in view of the present application's stated purposes. Again, Applicants respectfully submit that the Examiner appears to have engaged in impermissible hindsight reasoning whereby the claims of the present application have been used as a blueprint for the Examiner to force a combination of prior art references that otherwise would not

have been combined by one skilled in the art absent the motivation provided by the present application.

In view of the above, Applicants respectfully submit that each of the pending claims are in condition for allowance.

The Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032027500.

Dated: January 23, 2008

Respectfully submitted,

By 
David T. Yang

Registration No.: 44,415
MORRISON & FOERSTER LLP
555 West Fifth Street
Los Angeles, California 90013-1024
(213) 892-5587